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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,506	04/06/2001	Owen Lynn	VIRAGE.033A	6821

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EXAMINER	
TO, BAOQUOC N	
ART UNIT	**PAPER NUMBER**
2172	

DATE MAILED: 12/04/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,506	LYNN ET AL.	
	Examiner	Art Unit	
	Baoquoc N To	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *1-14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Claims 1-25 are pending in this application.

Election/Restrictions

2. Restriction to one of the following invention is required under 35 U.S.C. 121

I. Claims 1-14 are drawn to searching a video index and injected the video template at a search site, which classifies Class 707, subclass 4.

II. Claims 15-25 are drawn to generating a time-based index, which is classified in Class 707, subclass 3.

3. Inventions I and II are related as subcombinations disclosed as usable together a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I is drawn to searching a video index and injected the video template at a search site. The time-based index is created by spidering the web and collected the object for indexing. See M.P.E.P 806.05(d)

4. Because of the inventions are distinct for the given reasons and have acquired in a separate status in the art as show by their different classification, restriction for examination purposes as indicated is proper.

5. Upon the telephone interview with the applicant attorney Mr. Raimond J. Salenieks Reg. No. 37,924, the applicant selected Group II without traversed for continuation of prosecution of the application.

6. Application is reminded that upon cancellation of claims in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventor is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must by accompanied by a diligently-file petition under 37 C.F.R 1.48(b) and by fee required 37 C.F.R. 1.17(h)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US. Patent No. 5,875,446).

Regarding on claim 15, Brown teaches a method of video spidering, comprising:

Traversing (crawling) a set of hyperlinked document by following the hyperlinks from one page to the next so as to identify digital video (hypermedia object) (col. 3, lines 35-40);

Generating a time-based index of the video (creating an index for a hypermedia) (col. 3, lines 1-5); and

Storing (storing) the index in a repository along with a hyperlinked location identifier associated with the video being indexed (col. 3, lines 39-41).

Although, Brown does not explicitly teach a time-based index of the video; however, Brown teaches, "to create an index for a hypermedia object database in web networking environment" (col. 3, lines 1-3). The indexes are the time-based index of the video. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to create a hypermedia index as a time-based index would allow the user to retrieve a pacific video.

Regarding on claim 16, Brown teaches identifying multiple versions of a video so that it is only indexed one time (col. 3, lines 35-40).

Regarding on claim 17, Brown teaches parsing out blocks of script associated with the video; and executing the parsed blocks of script so as to identify one or more location identifiers (hyperlinks) corresponding to video segments (col. 3, lines 35-40).

Regarding on claim 18, Brown teaches grouping differently coded versions of the video of the video together (col. 3, lines 39-46).

Regarding on claim 19, Brown teaches searching for video content (retrieving those objects for indexing), wherein a corresponding location identifier of the video may be used to invoke a specific coded video player of a site containing the video (col. 3, lines 39-46).

Regarding on claim 20, Brown teaches a method of spidering, comprising:

Traversing (robots, spiders, wanderers, or worms) a network linked content including at least one video (hypermedia) (col. 3, lines 35-39);

Collecting location identifier (hyperlink) where the video resides on the network (col. 3, lines 40-48); and

Brown does not explicitly teach generating time-based metadata through access to the video via the collected video location identifiers. However, Brown teaches, "creating an index for a hypermedia object database in a Web networking environment" (col. 3, lines 35-39). The indexes are the time-based index. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to create a hypermedia index as a time-based index would allow the user to retrieve a pacific video.

Regarding on claim 21, Brown teaches a method of video spidering, comprising:

Spidering a network of linked content so as to locate at least one video (col. 3, lines 35-48); and

Performing maintenance operations on the located video (col. 3, lines 30-48).

Regarding on claim 22, Brown teaches maintenance operations include using data information either: (1) reindex a previously located video (col. 3, lines 30-48) or (2) index a newly posted video.

Regarding on claim 23, Brown teaches maintenance operations include identifying previously indexed video which is missing from the video index (col. 3, lines 30-48).

Regarding on claim 24, Brown teaches the maintenance operations include making integrity checks on the located video (col. 3, lines 30-38).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US. Patent No. 5,875,446) in view of Jain (US. Patent No. 6,480,853).

Regarding on claim 25, Brown teaches a method of video spidering, comprising:

Dynamically identifying at least one video on a network (gather the available objects) (col. 3, lines 35-37);

Accessing content corresponding to the identified video (in order to gather the available objects, the content of object must be accessed) (col. 3, lines 35-37);

Parsing a script associated with the identified video (in html code the program must parsing a script in order to read the video) (col. 3, lines 35-37); and

Brown does not explicitly launching the identified video for playback on a visual display according to the parsed script. However, Brown discloses the system retrieve the hypermedia object (video) by indexes (col. 3, lines 50-57). Missing teaching from Brown is playback on a visual display according to the parsed script. On the other hand, Jain teaches, "a Hypertext Markup Language (HTML), and typically displays text and graphics, and can play sound, animation, and video data" (col. 2, lines 3-6). This teaches the HTML can play the sound or video. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify playing the sound or video in Jain into Brown in order to provide the system to index the video and retrieving the video for play back.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication}]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
Nov 28, 2003

SHAHID ALAM
PRIMARY EXAMINER